NOT FOR PUBLICATION   **CLOSED**

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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HOLY PHAROAH   :
M.M.H.R.A.A.L.S.A. El-Bey, Ed. D.
SUPREME ABYSSINIAN   :
AMBASSODOR OF MOREHSH L.A.W.
a/k/a JASON AMIN-BEY,   :

                        Petitioner,   :   Civil Action No. 14-7407 (SRC)

                        v.   :

UNITED STATES OF AMERICA, et al.,   :   **OPINION**

                        Respondent.   :

_____

        This § 2255 matter is before the Court upon a transfer order executed by the Eastern

District of New York. See ECF No. 4. The transfer order details Petitioner's litigation history in

Massachusetts, Pennsylvania, Virginia and District of Columbia, as well as in this District. See

id. at 1-3 (citing, inter alia, this Court's decision in El-Bey v. United States, No. 13-4161

(D.N.J.), ECF No. 9). The Court will not repeat the same here. Suffice to state that Petitioner is

a federal pre-trial detainee held in temporary custody in order to restore him to competency.

Since a motion filed under 28 U.S.C. § 2255 is a vehicle to attack or seek correction of a

convicted prisoner's federal sentence, the § 2255 motion at bar is subject to dismissal for lack of

jurisdiction because there has been no adjudication of Petitioner's guilt in his pending criminal

matter, nor any sentence imposed. See U.S. v.Colburn, 345 F. App'x 764, 764-65 (noting that a

§ 2255 motion may not be filed prior to sentencing); 28 U.S.C. § 2255(a) (indicating that the

statute applies to "[a] prisoner in custody *under sentence of a court* ....") (emphasis added). [1]

      An appropriate Order follows.

                                         _____s/ Stanley R. Chesler_____
                                         STANLEY R. CHESLER
                                         United States District Judge

Dated: December 16, 2014

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[1] As Petitioner's litigation history indicates, his mental impediment has greatly affected his litigation practices. Hence, any sanction against him in connection with his repeat filings appears unwarranted. <u>See</u> <u>Hoffenberg v. Bumb</u>, 446 F. App'x 394, 400, n.4 (3d Cir. 2011) (directing an examination of the "record before this Court as to [the litigant's] mental health [as a source of] explanation for his actions in this proceeding, or in [his] other proceedings").